

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DEMEZZ HAMILTON,

Plaintiff,

-against-

ELRAC, LLC, et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/02/2023

22-CV-10860 (PGG) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

At the initial case management conference on June 28, 2023, the Court directed the parties in this employment discrimination action to serve their initial written discovery requests no later than August 9, 2023. (Dkt. 23 ¶ 3.)

By letter dated September 22, 2023 (Dkt. 43), defendants ELRAC, LLC and Jessica Sirow request an order compelling plaintiff Demezz Hamilton to respond to their First Set of Document Demands, which were timely served on August 9, 2023, and a "reasonable" extension of the discovery schedule to accommodate plaintiff's delayed response. (*Id.* at 2.)

In a responding letter dated September 26, 2023 (Pl. Resp.) (Dkt. 46), plaintiff states that he "needs at least the next two months to furnish all of the information and documentation in Defendants' counsel's Document Request," Pl. Resp. ¶ 1, which he characterizes as "asinine." *Id.* ¶ 6. Plaintiff goes on to predict that the Court will grant defendants' pending motion (Dkt. 37) to dismiss his Second Amended Complaint (Dkt. 32), "due to systemic anti-Black racism," Pl. Resp. ¶ 4, and suggests that it would "make more sense to first rule on the Defendants' Motion to Dismiss," and "if the Motion is denied, Plaintiff and Defendant can then exchange information and documentation in preparation and anticipation of trial[.]" *Id.* Defendants did not file any reply letter, and their time within which to do so has expired.

The Court construes plaintiff's September 26 letter as a cross-motion to stay discovery pending resolution of the motion to dismiss, and GRANTS that motion.

Discovery in this matter is STAYED pending resolution of defendants' motion to dismiss. Plaintiff is reminded that his opposition to that motion is due **October 10, 2023**. (*See* Dkt. 42.)

Given the discovery stay, the status conference previously scheduled for October 3, 2023, is hereby ADJOURNED *sine die*.

Dated: New York, New York  
October 2, 2023

**SO ORDERED.**



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**BARBARA MOSES**  
**United States Magistrate Judge**